

Issued July 26, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2489.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 27 Cases of Shucked Oysters. Decree of condemnation pro confesso.
Goods ordered destroyed.**

ADULTERATION OF SHUCKED OYSTERS.

On January 21, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 27 cases, 22 of which each contained 1 3-gallon can, and 5 of which each contained 1 5-gallon can, of shucked oysters, remaining unsold in the original unbroken packages and in possession of the M. C. Flint Mercantile Co., Denver, Colo., alleging that the product had been shipped in interstate commerce from the State of Maryland into the State of Colorado and charging adulteration in violation of the Food and Drugs Act. Eleven of the cases were labeled: "3 gallon standards," "For the M. C. Flint Mer. Co., Denver, Colo.—From C. A. Loockerman.—Crisfield, Maryland." Two of the cases were labeled: "5 gallons Selects."—"For the M. C. Flint Mer. Co., Denver Colo.—From C. A. Loockerman.—Crisfield, Maryland." The other cases were unlabeled.

Adulteration of the product was alleged in the libels for the reason that it consisted in whole or in part of filthy and putrid animal matter and, by reason of said filthy and putrid animal matter, was wholly unfit for use and consumption as food.

On February 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 3, 1913.*